#14

BOARD OF SUPERVISORS FINANCE/GOVERNMENT SERVICES AND OPERATIONS COMMITTEE ACTION ITEM

SUBJECT: Courts Complex Phase III Capital Project Review

ELECTION DISTRICT: Leesburg/Catoctin

CRITICAL ACTION DATE: At the Board's Direction

STAFF CONTACT(s): Lewis Rauch, Director/Construction & Waste Management

Paul Brown, Division Manager/Construction & Waste

Management

Melissa Poole, Design Manager/Construction & Waste

Management

RECOMMENDATION:

Staff: Staff recommends that the Finance/Government Services and Operations Committee recommend to the Board that the Courts Complex Phase III project be relocated from the Church Street site to the Government Support Center site in order to provide a more feasible long-term solution for the Courts' space needs and, staff further recommends that the Finance/Government Services and Operations Committee consider Option 5 as outlined below to move the General District and Juvenile & Domestic Relations Courts to the Government Support Center site as part of the Phase III expansion project.

BACKGROUND: In 1997, Loudoun County began a two-phased expansion of its Courts Complex facilities due to increased case loads and space needs identified in a Courts Space Planning Study. Phase I and Phase II of the Courts Complex expansion included renovation of the old courts and administration buildings and construction of new court-house facilities. The Phase I and Phase II Courts Complex expansion occurred between 1998 and 2004.

At the time of the Phase I and Phase II projects, a Phase III project was identified to meet future court room and courts support office space needs to be constructed on the site of the former Adult Detention Center at Church Street and Market Street in Leesburg. In 1998, the County proceeded to complete the required land use approvals for the Phase III project projecting a need for a 60,000 square feet Phase III Courts building. The Town of Leesburg approved the Phase III County plan on June 23, 1998 (ZM#155 Town of Leesburg). Based on case load growth projections, the Phase III court room and office space project was planned to begin in 2011.

Subsequent to those actions, the case load and space requirements were monitored and updated through two additional updates of the original 1997 study. Based on the results of those updates, the Courts Phase III capital project was amended in the FY 2011 Adopted Capital Improvement Program increasing the required square footage from 60,000 to 85,000 square feet. The space analysis also projected a total of 120,000 square feet of Courts facility space would be required over a 20-year period. A Courts Phase IV expansion of 35,000 square feet would be required some time in a future fiscal year. The timing of this expansion will be driven by the timing of when additional space is required to meet case load and space need requirements.

At the time the Phase III Courts expansion was planned, the Town of Leesburg Town Council indicated it was the Town's preference to keep the Courts in downtown Leesburg. The Board of Supervisors affirmed that goal by adopting a Capital Improvement Program that planned for future Courts expansion to remain in Leesburg. The adopted project planned for Phase III and Phase IV expansions on County-owned land adjacent to the current Courts Complex. The additional 120,000 square feet of buildings and its required parking could be addressed on the County-owned land. However, this increased project scope would require a new land use application with the Town of Leesburg. County and Town staff have met periodically from 2009 – 2011 to review the land use issues associated with the current plan. The following issues have been present since the planning began:

- 1. The closure of Church Street to achieve a secure Courts Complex campus.
- 2. The demolition of the County-owned homes on Edwards Ferry Road to enable the Phase III building to front Edwards Ferry/Market/Church Streets.
- 3. The expansion of the County's Pennington Parking lot to include a structured parking garage to serve the Courts Complex at build-out.
- 4. Identification of the County required traffic mitigation measures based on the ultimate build-out.

These issues were to be addressed through the County's land use application to the Town of Leesburg

In January 2012, the Leesburg Town Council and Loudoun County Board of Supervisors met to discuss joint planning issues between the organizations. The Courts Complex project was identified as an issue to be reviewed as there may be different planning assumptions in play with newly elected governing bodies in both jurisdictions. The Loudoun County Board of Supervisors, during its FY 2012 budget work sessions, directed County staff to prepare a Courts Complex Project Review item for the Finance/Government Services and Operations Committee review. This action item presents the background and current planning issues for the Courts Complex capital project for the Committee's consideration and direction to the Board of Supervisors.

ISSUES: The currently adopted Courts Complex Phase III project provides for 85,000 GSF of new construction to house primarily the General District Court and administrative support agencies. In August 2011, Wisnewski Blair and Associates (WBA) completed an updated Facility Plan and Assessment that reviewed space needs for all of the Courts departments over

planning years of 2015, 2020 and 2025. This report was based on the Phase III project being sited on Church Street in Downtown Leesburg, across from the existing Courthouse and on the site of the former Adult Detention Center. The summary table of space needs from the WBA report is included within Attachment 2.

Concurrent to the completion of the WBA report, Kimley-Horn and Associates prepared a preliminary Transportation Study that outlined possible transportation-related issues, improvements and planning considerations for the Phase III project on the Church Street site.

The Phase III project on the Church Street site has many challenges.

- Planning for the next phase of expansion (Phase IV) has been considered in the WBA report based on the projections for space needs for 2025. The ability to expand beyond Phase IV is in question on the existing Church Street site.
- The WBA report assumes that the new construction on the Church Street site can be physically connected with the existing building (via a tunnel, bridge, closure of Church Street, etc. to be determined). If a connection is not possible, additional square footage may be required to duplicate security functions including secure Judges' parking, Sally Port and detention holding areas, etc.
- Construction of up to 466 new parking spaces may be required. These are currently planned for the Pennington Parking Lot site and may be either surface parking or structured parking. Parking for Phase IV and beyond would have to be provided for in a structured parking garage.
- Vehicular and pedestrian routes from parking to the buildings will need close attention and coordination with the Town of Leesburg.
- Transportation-related improvements may be required including traffic signals.
- From a security stand-point, with new construction across the street, it has been recommended to close Church Street. The Town of Leesburg is opposed to this closure.
- The project will require several Town of Leesburg approvals:
 - o If the project is larger than 60,000 GSF, a Concept Development Plan and Proffer Amendment will be required;
 - o Board of Architectural Review will be required for new construction and for the likely demolition of the four (4) existing houses that front Edwards Ferry Road that are on the same Church Street parcel;
 - A Rezoning Application (to GC Zoning) or a Special Exception (SPEX) will be required for structured parking for the Courts on the existing Pennington Parking Lot site; and
 - o Site Plan.

With this background information, a Request for Proposal (RFP) was issued in September 2011 to procure an architectural-engineering (AE) team for the project. Fourteen (14) proposals were received in December 2011. Based on the Board's direction in the Budget Work Session, the RFP was cancelled in April 2012.

The Department of Construction and Waste Management has continued to look at options to deliver the Phase III project. Staff has developed several scenarios for alternatives:

- Attachment 2 was provided with the March 21, 2012 CIP Work Session packet. The attachment summarizes the needs for Courtroom space and analyzes the space and cost considerations for the possibility of locating office space in nearby leased space (at Courthouse Square).
- New construction on the Sycolin Road Government Support Center Site is also an option.
 The current Master Plan for this site, included as Attachment 3, shows 120,000 GSF of
 General Office space in the northern portion of the property. This area could be reviewed
 for siting the Courts and the building site could be served by Crosstrail or Kincaid
 Boulevards

A summary of the evaluated options for the Phase III project is provided in Attachment 4.

FISCAL IMPACT: Funding for this project totals \$53,675,000. \$7.3 million is appropriated for Professional Services (design) in FY 2011 and FY 2012, \$38,125,000 is programmed in FY 2014 and \$8,250,000 is programmed in FY 2015 (construction and furnishings).

Design for the Church Street site is estimated to require 18 - 24 months to complete due to the nature of the land use processes with the Town of Leesburg. Design for the Government Support Center site is estimated to require approximately the same time-frame due to the Special Exception process for the Master Plan of the site.

Based on timelines for all options, construction and furnishings funding currently scheduled for FY 2014 and FY 2015 will be shifted to FY 2015 and FY 2016. Upon direction from the Board regarding the Phase III project, the impact on debt capacity will be reviewed with the FY 2014 CIP.

DRAFT MOTION:

1. I move that the Finance/Government Services and Operations Committee recommend to the Board of Supervisors relocation of the Courts Complex Phase III project from the Church Street site to the Government Support Center site and recommends proceeding with Option 5 to move the General District and Juvenile & Domestic Relations Courts to the Government Support Center site as part of the Phase III expansion project.

Or

2. I move an alternate motion.

Attachment 1: FY 2013 CIP Page

Attachment 2: Courts Phase III Space Summary (from Budget Work Session)

Attachment 3: Government Support Center Draft Master Plan

Attachment 4: Courts Phase III Options

Loudoun County Government FY 2013 Adopted Fiscal Plan

Courts Complex (Phase III)

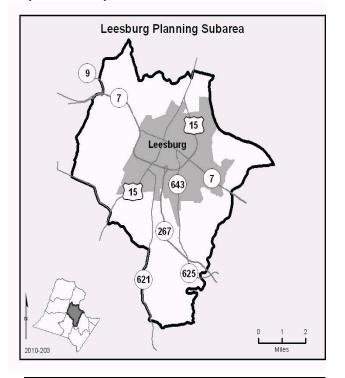
Project Description

This project provides funding to construct a new 85,000 square-foot facility for the General District Court and court administrative support functions in FY 2014, and the renovation of the Phase I and II Courts Complex spaces beginning in FY 2015.

The volume and pace of growth impacts judicial system demands for service (caseload), judgeship requirements, staff needs and ultimately, space requirements. A new General District Court building was recommended in a 1997 court study. Phases I and II of the Courts Complex expansion included the renovation of the old courts and administration buildings, and construction of new court facilities from FY 1998 through FY 2004.

Current Status

A Courts Facility Assessment and Expansion Plan has been developed to define the scope of the Phase III Courts Complex expansion. The design phase is scheduled over a two year period to coordinate plans with the Town of Leesburg. The Phase III Courts Project is under review by the Board of Supervisors' Finance, Government Services and Operations Committee.



Funding

This project is planned to be funded with local tax funding and debt financing.

Operating Impact

Operations & Maintenance

Operations and maintenance expenses are forecast to begin in FY 2017 and are estimated to total \$112,000 during the six-year CIP planning period.

Debt Service

Debt service is forecast to begin in FY 2015 and is estimated to total \$14.14 million during the six-year CIP planning period.

Capital (\$ in 1000s)	Prior Alloc.	FY 2013 Adopted	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	6 Year Total	Future FY's	Project Total
Professional Services	7,300	0	0	0	0	0	0	0	0	7,300
Furniture, Fixtures & Equip	0	0	2,000	0	0	0	0	2,000	0	2,000
Construction	0	0	36,125	8,250	0	0	0	44,375	0	44,375
Total Cost	7,300	0	38,125	8,250	0	0	0	46,375	0	53,675
Debt Financing	7,300	0	34,310	8,250	0	0	0	42,560	0	49,860
Local Tax Funding	0	0	3,815	0	0	0	0	3,815	0	3,815
Total Financing	7,300	0	38,125	8,250	0	0	0	46,375	0	53,675

Operating Impact (\$ in 1000s)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	6 Year Total
Operations & Maintenance	0	0	0	0	55	57	112
Debt Service	0	0	860	2,566	5,434	5,279	14,139
Total Impact	0	0	860	2,566	5,489	5,336	14,251

Fiscal Year 2013 Public Safety



Loudoun County, Virginia

www.loudoun.gov

Department of Construction & Waste Management 211 Gibson Street, N.W., Suite 123, Leesburg, VA 20176 Telephone (703) 777-0187 • Fax (703) 771-5523

COURTS PHASE III SPACE SUMMARY

WISNEWSKI BLAIR & ASSOCIATES RECOMMENDED HOUSING PLAN

- Updated August 2011, attached
- Identifies all Courts departments, staff and space projections for planning years 2015, 2020 and 2025

SUMMARY OF COURTROOMS

	Existing	Planned 2015	Planned 2020	Planned 2025	Total New
	Courtrooms	Total (New)	Total (New)	Total (New)	by 2025
Circuit Court	4	4 (0)	5 (1)	6 (1)	2
General District Court	3	4 (1)	5 (1)	6 (1)	3
J&DR Court	2	3 (1)	3 (0)	4 (1)	2
Total	9*	11 (2)	13 (2)	16 (3)	7

^{*} The existing building also contains 1 shared Hearing Room

Provision of additional Courtrooms within the existing Courthouse is limited.

- If Courtrooms stay as currently located, the only area for possible expansion is the 2nd Floor West Wing.
- By 2015, two (2) additional Courtrooms will be required as noted in the table above.
- The 2nd Floor of the West Wing physically can accommodate 2 Courtrooms, however, there are significant issues to consider including the following:
 - Secure circulation for Judges from to Courtrooms from Chambers (if Chambers are located in existing areas);
 - Secure circulation for Judges to Chambers from parking (if Chambers are located within new Courtroom area);
 - Secure circulation for Prisoners from Central Holding Cells to Courtroom Holding Cells:
 - Expansion of Central Holding Area (in basement) to accommodate the above circulation including accommodation of current central public elevators;
 - Separate circulation to Courtrooms for Public;
 - Review is required for waiting areas, egress routes, security and circulation to other associated public areas;
 - Additional space will have to be planned for the existing Circuit Court Clerk's operations on the 2nd Floor as not all of those functions can be fully accommodated off-site.
- Beyond the 2nd Floor West Wing, additional Courtroom space is virtually non-existent as the occupying department of the 1st Floor West Wing cannot be off-site from the Courtrooms.
- By 2020, two (2) additional Courtrooms will be required as noted in the table above.

Courts Phase III Space Summary

SUMMARY OF CURRENT OFF-SITE SUPPORT SPACES (2012)

	Location	Area (SF)	County	Leased	Lease Cost/
			Owned		Current Year
Drug Court	106 Edwards Ferry Road	1,400	Yes	No	n/a
(Circuit Court)					
Victim Witness	110 Edwards Ferry Road	2,982	Yes	No	n/a
(Commonwealth					
Attorney)					
Probate	112 Edwards Ferry Road	1,600	Yes	No	n/a
(Clerk of Circuit Court)					
Community Corrections	107 Loudoun Street	6,600	No	Yes	\$188,450
Probation & Parole	751 D Miller Drive	3,800	No	Yes	n/a (State)
(State)					
Civil Process	906 Trailview Boulevard	1,600	No	Yes	\$42,304
(Sheriff's Office)					
	Total Leased	12,000			\$203,754
	(including State)				

SUMMARY OF OFFICE SPACE APPROPRIATE FOR OFF-SITE LEASE SPACE

		2015		2020	2025		
	Staff	DGSF*	Staff	DGSF*	Staff	DGSF*	
Circuit Court Clerk**	26	11,981	31	12,905	37	13,490	
Commonwealth Attorney	35	8,500	38	9,200	42	10,200	
Community Corrections	23	5,750	25	6,250	28	7,000	
Probation & Parole	17	4,250	20	5,000	23	5,750	
Civil Process	6	2,200	8	2,500	9	2,600	
Total DGSF*		32,681		35,855		39,040	
+5% - 10% factor		1,600 – 3,200		1,790 – 3,585		1,952 – 3,904	
Total Estimated GSF*		34,280 - 35,950		37,645 – 39,440		40,992 – 42,944	

^{*}DGSF – Departmental Gross Square Footage - True Building Gross SF to be determined based on floor plate, building shared elements and accessibility to support spaces (i.e. Communications Rooms, etc.).

Courtrooms cannot be considered in off-site lease space due to the following unique requirements:

- Separate circulation paths for Judges, Public and Prisoners in custody required for overall building circulation and specific paths for each Courtroom to include:
 - o Secure circulation for Judges to Courtrooms from Chambers;
 - Secure circulation for Prisoners from Courtroom Holding Cells to Courtrooms and from Central Holding Cells to Courtroom Holding Cells;
 - o Separate circulation to Courtrooms for Public
- Secure circulation for Judges to Chambers from parking;

Courts Phase III Space Summary

^{**}Areas of the Circuit Court Clerk's Office that can be considered for off-site spaces are: Administration, Probate, Information Technology (portions), Recording, Public Reading Room, and Accounting (portions).

- Secure Judges parking;
- Secure circulation for Prisoners from ADC to Central Holding Area (i.e. via secure Sally Port);
- Construction of detention level Courtroom Holding Cells and Central Holding Cells as well as construction of secure circulation paths;
- Central Courts Entrance for security screening for Public;
- Proximity to expansive parking and unscreened Public due to security concerns associated with Courthouse design.

SUMMARY OF ESTIMATED LEASE COSTS FOR COURTHOUSE SQUARE

Total Estimated GSF	2015	2020	2025	20 Year Lease
				(2013-2033)
42,944 SF (based on 2025 need) @ \$35/SF*	\$1,594,575	\$1,848,550	\$2,142,976	\$43,101,905

^{*\$35/}SF is the preliminary lease cost conveyed to the County via the Developer. Assumed \$35/SF beginning in 2013 and escalation of lease costs of 3% per year (typical annual cost escalation for County leases).

Table 1A

Loudoun County Courts Expansion Recommended Housing Plan

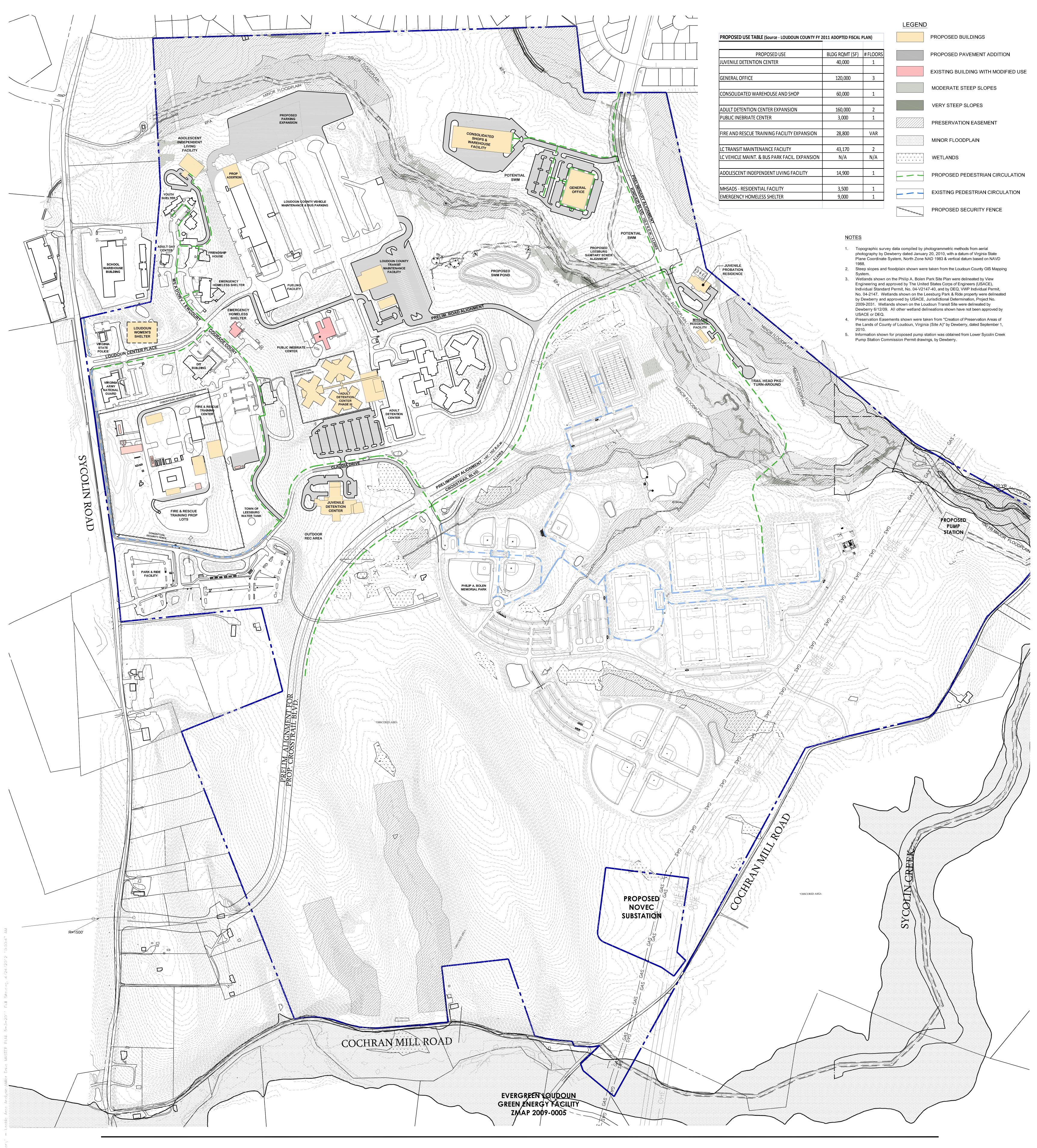
	2006 Staff	2006 DGSF	2009 Staff	2011 Staff ⁸	DGSF ⁹	Courthouse + Valley Bank					Jailhouse Site New Construction						
							2015		2020		2025	:	2015		2020		2025
						Staff	DGSF	Staff	DGSF	Staff	DGSF	Staff	DGSF	Staff	DGSF	Staff	DGSF
Circuit Court Judicial	3	20,445	3	3	21,015	4	21,015	5	24,904	6	30,000						
General District Court Judicial	3	10,950	3	3	11,989							4	16,000	5	20,000	6	24,000
J&DR Court Judicial	2	6,488	2	2	9,012	3	12,182	3	12,182	4	15,500						
Circuit Court Clerk	40	12,694	43	45	20,182	28	23,920	31	24,067	36	25,409	26	11,981	31	12,905	37	13,490
Circuit Court ⁶			7	5		5		6		7							
Drug Court ⁷				5	1,400	5	1,200	5	1,200	5	1,200						
General District Court Clerk	16	6,857	17	17	6,573							24	9,600	28	11,200	35	14,000
J&DR Court Clerk	7	2,940	8	8	3,364	9	3,600	10	4,000	11	4,400						
J&DR Court Services ¹¹	33	6,570	35	32	6,561	35	8,500	38	9,200	42	10,200						
Commonwealth Attorney	35	6,180	34	33	10,137							36	9,000	41	10,200	48	12,000
Public Defender (Note 1)							150		150		150		150		150		150
* Community Corrections	14	2,944	20	21	6,600	23	5,750	25	6,250	28	7,000						
* Probation & Parole	13	3,079	16	16	3,800	17	4,250	20	5,000							23	5,750
Sheriff																	
Court Security	35	12,328	38	35	19,919	37	19,919	39	19,919	43	19,919	25	11,033	28	14,120	31	15,179
Secure (Judicial) Parking		5,166															
Sheriff																	
Civil Process (Note 5)	8	1,986	6	6	2,350	6	2,200	8	2,500	9	2,600						
Magistrates (Note 2)																	
Court Support / Victim Witness																	
Waiting ¹⁰		8,338			7,861		1,000		1,000		1,000						
Community Room(s)					1,426		7,600		7,600		7,600						
Unassigned		5,652															
Description (1)					422.400	470			447.070		404.070						
DGSF Subtotal (Note 3) Building Support Factor 5% 14	209	112,617	232	231	132,189	172	111,286	190	117,972	191	124,978	115	57,764 2,888	133	68,575 3,429	180	84,569 4,228
Building Support Factor 5%													2,000		3,429		4,220
DGSF Total (Note 3)		112,617			132,189		111,286		117,972		124,978		60,652		72,004		88,797
Est. DGSF Available		104,608			108,890		108,890		108,890		108,890		0		0		0
DGSF Surplus/(Shortfall)		(8,009)			(23,299)		(2,396)		(9,082)		(16,088)		(60,652)		(72,004)		(88,797)
New Construction GSF													84,913		100,805		124,316

Note

- 1. Public Defender is expected to be housed elsewhere; a small conference room in each building with courtrooms is needed.
- 2. Magistrates are expected to be housed elsewhere.
- 3. Beginning 2011, Secure Judicial Parking is shown with Court Security.
- 4. Groups shown with an * are currently housed near the courthouse. It is assumed that they will be co-located with the courts, if possible.
- 5. Civil Process currently occupies 3461 SF on Sycolin Road. DGSF reflects estimated right-sizing of their area requirement.
- 6. Circuit Court Judges' administrative staff. Their area is included in Circuit Court Judicial.
- 7. Drug Court program staff drawn from Circuit Court, Community Corrections and Sheriff's Patrol.
- 8. 2011 figures are adopted from County Budget documents OR are actual where State-funded.
- 9. Near-term areas provided by County in January 2011; they include off-site areas to be consolidated; they do not include functions that are anticipated to remain outside the consolidation.
- 10. Court Support included Jury Management, Law Library and Grand Jury and Victim Witness Waiting in DWA study. All except Victim Witness Waiting are now included with Clerk of Circuit Court. Victim Witness Waiting in the new building and Victim Witness staff are accounted with the Commonwealth Attorney.
- 11. J&DR Court Services staff does not include branch personnel; shared workstations for their use are included.
- 12. Divisions of the office of the Clerk of the Circuit Court that are planned for the existing Courthouse include Jury Management, Judicial Services, Civil Case Management, Criminal Case Management, Archives and the Law Library.
- 13. A division-by-division assessment of the on-site storage requirement is planned. Future off-site storage of some files is expected to reduce the required DGSF on-site.
- 14. The Building Support Factor was included for planning purposes in the 2006 DWA study to ensure that the proper building circulation is provided without impact on assignable areas.





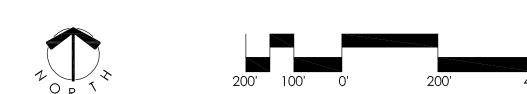


LOUDOUN COUNTY GOVERNMENT SUPPORT CENTER MASTER PLAN

APRIL 24, 2012

DewberryDewberry & Davis LLC





COURTS PHASE III OPTIONS

	New Construction GSF	Estimated Project Cost	Lease Savings or Cost ¹	Considerations
Option 1 – Church Street Site w/ Surface Parking at the Pennington Lot	85,000	\$54.3 M	\$203,754 ² savings	 All space vacated by departments moving into new construction will be backfilled by other departments needing expansion. \$53,675,000 currently programmed in FY 2013 – FY 2018 CIP.
Option 2 – Church Street Site w/ Structured Parking at the Pennington Lot	85,000	\$58.7 M	\$203,754 ² savings	 All space vacated by departments moving into new construction will be backfilled by other departments needing expansion. \$5,025,000 in additional funding is required
Option 3 – Church Street Site w/ Leased Space in Courthouse Square	50,000	\$35.2 M	+/-\$900,000 cost	 Lease of 30,000 SF; Est. annual cost of \$1.1 M (minus \$203,754 savings from current leases); All space vacated by departments moving into new construction or lease space will be backfilled by other departments needing expansion.
Option 4 – Gov't Support Center Site w/ General District Court	85,000	\$48.1 M	\$203,754 cost	 All departments currently housed in lease space would have to remain in lease space. Edwards Ferry Road houses would remain occupied; occupying departments may change. Commonwealth Attorney requires space in existing building and new construction in order to support all three Courts.

	New Construction GSF	Estimated Project Cost	Lease Savings or Cost ¹	Considerations
Option 5 – Gov't Support Center Site w/ General District and J&DR Courts	122,000	\$70.5 M	\$203,754 ² savings	 All departments currently housed in lease space could be housed within the existing complex. Commonwealth Attorney requires space in existing building and new construction in order to support all three Courts. Long term options for expansion exist to allow for future Courts' space needs. \$16,825,000 in additional funding is required.

Notes:

¹ Annual lease savings or costs shown are based on current annual actual lease costs. General Services escalates lease costs at 3% per year.

² Based on preliminary space analysis, all departments currently housed in lease space could be consolidated into the existing building or new construction. This will be confirmed during the design phase final space programming